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EXAMINER

HESS, R

ART UNIT

PAPER NUMBER

2764

3

DATE MAILED:

01/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/247,222

Applicant(s)

SINCLAIR, DAVID A.

Examiner

Richard W. Hess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
 2. ☐ received in Application No. (Series Code / Serial Number) _____.
 3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 17) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1–20 have been examined.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a computer, keyboard and global communication system for both the applicant and the financial institution, means for retrieving applicant credit information from a credit bureau, an applicant profile distribution means, a lender selection means for restricting the distribution of applicant data and a means to store applicant data at the lender must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. The drawings are objected to because of the minor informalities cited on the attached form PTO 948. Correction is required.
4. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1–20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al, US Patent No. 5,878,403, Tengal et al, US Patent No. 5,940,812 and Anderson et al, US Patent No. 5,774,883.

As per claim 1, DeFrancesco et al teaches a computer-driven information management system for selectively matching credit applicants with moneylenders through a global communications network (Figure 1). This system has an applicant data entry means (Figure 1, items 112a–112c) for entering applicant data into the system, and defining an electronic applicant profile of a credit applicant seeking financing (column 4, lines 31–34) and a means for deploying new electronic model profiles representing characteristics of a desired applicant (column 26, lines 14–17 and column 29, lines 1–5). DeFrancesco et al does not explicitly disclose a means for entering the model data into the system. Tengal et al teaches the use of an electronic profile representing the characteristics of a desired applicant (column 4, lines 31–34 and column 5, lines 17–19) and a means for entering that data by the lender (Figure 1, items 102, 103, 111 and 113). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of DeFrancesco et al with the means for entering the electronic model data representing the characteristics of the desired applicant as taught by Tengal et al to get the invention as claimed. The advantage would be to provide a data entry means at least equivalent to the means provided for the applicant so the lender could update and modify the offered loan products and remain competitive in the financial markets the lender served.

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DeFrancesco et al teaches that the user of his automated credit application system has ready access to lender credit policies and guidelines (column 29, lines 1–5). He also teaches that the selection of a lender for a specific loan is made based upon a default list of lenders initially loaded into his system (column 7, lines 62–64) or the lender is selected on a case–by–case basis using the credit worthiness of the applicant (column 10, lines 32–44). DeFrancesco et al goes on to teach that his system has the means to allow the dealer or user to make a decision as to which lender receives the credit application (applicant data) based upon the applicant data and the model data provided by the lender (column 16, lines 31–41). The examiner wishes to point out that making a decision about which lender is to receive the applicant data out of a list of potential lenders is also a decision about which lenders will not have the applicant data made available to them, so the claimed distribution of applicant data is included in the teachings of DeFrancesco et al. DeFrancesco et al, however, does not explicitly teach that a filter is used to electronically compare the applicant profile with the model profile. Anderson et al specifically teaches the use of a financial source filter to compare the applicant profile with the model profile when selecting the lender for a specific loan (Figure 12, item 230). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of DeFrancesco et al with the filtering capability taught by Anderson et al for the advantage of automatically matching the applicant to the best available lender (Anderson et al, column 2, lines 15–19).

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As per claim 2, DeFrancesco et al specifically discloses the use of a computer, a keyboard for entering applicant data in to the computer (Figure 1, items 112c) and a global communications means for communicating the applicant data to the system (Figure 1, item 104 and column 17, line 64 through column 18, line 7).

As per claim 3, DeFrancesco et al shows a lender computer based credit processing means (Figure 1, items 124a and 124b, column 19, lines 38–40) that is connected to the global communication means for communicating model data to the system (Figure 1, item 104). DeFrancesco et al also teaches that the lender has the capability of sending new product news and to deploy new loan products and enhancements with his automated credit application system (column 26, lines 8–21). DeFrancesco et al does not specifically state that a keyboard is used to enter the model data into the system. Official Notice is taken that both the concept and advantages of using a keyboard for entering model data into a computer system are well known and expected in the computer arts. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use a keyboard to enter model data into the lender processing system for the advantage of quickly and efficiently entering new loan products into the automated credit application system to meet competitive pressures for new loan business.

As per claim 4, DeFrancesco et al specifically teaches the means for retrieving applicant credit information from a credit bureau and incorporating the credit information into the applicant profile (column 16, lines 31–45).

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As per claims 5 and 6, DeFrancesco et al specifically teaches a means for automatically and electronically notifying those credit applicants matching the model profile of financing terms set by the lender (column 6, lines 41–45).

As per claims 7 and 8, DeFrancesco et al specifically discloses that his automatic credit application system has a means for simultaneously distributing applicant profile data to a number of lenders having access to the system (column 7, lines 62–64) or to a selected list of lenders having access to the system (column 11, lines 37–39).

As per claim 9, DeFrancesco et al discloses that the lender uses a computer to receive applicant data sent through the credit application system (column 19, lines 38–45). DeFrancesco et al does not explicitly state that the lender computer has a means for electronically storing the applicant data it receives. Official Notice is taken that both the concept and advantages of electronically storing data received by a computer are well known and expected in the computer art. It would have been obvious to have included an electronic data storage means in the lender computer system disclosed by DeFrancesco et al for the advantage of being able to audit the performance of the credit approval system and to allow the lender to quickly check the status on any credit applications received by his system.

As per claim 10, DeFrancesco et al specifically teaches that the dealer has the means to select from a group (encyclopedia) of the financial products communicated to the system by the lenders (column 29, lines 1–8).

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Claim 11 is a method claim containing the same limitations as claim 1, so the same rejection applies.

Claim 12 is a method claim containing the same limitations as claim 2, so the same rejection applies.

Claim 13 is a method claim containing the same limitations as claim 3, so the same rejection applies.

Claim 14 is a method claim containing the same limitations as claim 4, so the same rejection applies.

Claim 15 is a method claim containing the same limitations as claim 5, so the same rejection applies.

Claim 16 is a method claim containing the same limitations as claim 6, so the same rejection applies.

Claim 17 is a method claim containing the same limitations as claim 7, so the same rejection applies.

Claim 18 is a method claim containing the same limitations as claim 8, so the same rejection applies.

Claim 19 is a method claim containing the same limitations as claim 9, so the same rejection applies.

Claim 20 is a method claim containing the same limitations as claim 10, so the same rejection applies.

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Conclusion

7. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Gill et al, US Patent No. 4,736,294, Jones et al, US Patent No. 5,239,462, Jones et al, US Patent No. 5,797,133, Dykstra et al US Patent No. 5,930,776, Norris US Patent No. 5,940,811 and "Royal Bank to Emphasize Indirect Auto Lending" by Drew Clark.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard W. Hess whose telephone number is (703) 308-6287. The examiner can normally be reached on M-F (7:00-4:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-5357 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Richard W. Hess
January 20, 2000

James P. Trammell
Supervisor
Technology Center